

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of CA on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 12-01484 DMR	DATE FILED 3/23/2012	U.S. DISTRICT COURT Oakland Division, 1301 Clay Street, Suite 400S, Oakland, CA 94612
PLAINTIFF ARIBA, INC.		DEFENDANT COUPA SOFTWARE INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2	*See attached complaint	
3	2,117,165	
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Valerie Kyono	DATE March 30, 2012
-----------------------------	------------------------------------	------------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

COPY

Robert T. Haslam (State Bar No. 71134)
rhaslam@cov.com
Amy K. Van Zant (State Bar No. 197426)
avanzant@cov.com
Matthew D. Kellogg (State Bar No. 280541)
mkellogg@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive
Suite 700
Redwood Shores, CA 94065-1418
Tel.: (650) 632-4700
Fax: (650) 632-4800

Attorneys for Plaintiff
ARIBA, INC.

E-filing

MAR 28 2012

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARIBA, INC.,
a Delaware corporation,

Plaintiff,

v.

COUPA SOFTWARE INC.,
a Delaware corporation,

Defendant.

Civil Case No.:

CV 12-01484

COMPLAINT

DEMAND FOR JURY TRIAL

Civil Case No.:

FAXED

1 Plaintiff Ariba, Inc., for its complaint against Coupa Software Inc., alleges as follows:

2 **THE PARTIES**

3 1. Plaintiff Ariba, Inc. ("Ariba") is a Delaware corporation having its principal
4 place of business at 910 Hermosa Court, Sunnyvale, CA 94085.

5 2. Upon information and belief, Coupa Software Inc. ("Coupa" or "Defendant") is a
6 Delaware corporation having its principal place of business at 100 S. Ellsworth Avenue, San
7 Mateo, CA 94401.

8 **JURISDICTION AND VENUE**

9 3. The Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a), in
10 that this action arises under the patent laws of the United States (35 U.S.C. §§ 1 et seq.).

11 4. Ariba is informed and believes that Coupa has its principal place of business in
12 San Mateo, California, which is located in the Northern District of California. Ariba is further
13 informed and believes that Coupa sells and/or offers for sale its services and products within the
14 State of California, including the Northern District of California. Coupa maintains a registered
15 agent for service of process in San Mateo, California.

16 5. The Defendant is therefore a resident of this District pursuant to 28 U.S.C. §
17 1391(c), and venue exists pursuant to 28 U.S.C. § 1391(b).

18 **INTRADISTRICT ASSIGNMENT**

19 6. Pursuant to General Order 67, venue-based assignment of civil cases is
20 suspended for newly filed patent cases, which are to be initially assigned pursuant to General
21 Order No. 44 and Civil Local Rules 3-2 and 3-3. General Order 44 specifies that patent cases
22 shall be randomly assigned to any judge of this Court and shall not be reassigned on the basis of
23 intradistrict venue.

24 **FACTUAL ALLEGATIONS**

25 7. Operating resources are the goods and services required to run a business. They
26 can include capital goods, operational items, transportation, professional services, sub-
27 components, and/or raw materials that a company needs to develop and manufacture a product
28 or provide a service. In the past, companies had to procure operating resources through paper-

1 based methods that were costly, inefficient, and prone to error. Because these traditional
2 methods were fragmented and thus not broadly adopted by employees, they often failed to
3 account for all operating-resource spending within an organization.

4 8. Ariba, formed in 1996, addressed these limitations through a series of
5 fundamental inventions for implementing flexible, company-wide electronic procurement ("e-
6 procurement") systems for each step of the procurement process, including locating and
7 requesting operating resources, approving requisitions, and billing and payment. Ariba has
8 obtained patents duly issued by the United States Patent and Trademark Office on its e-
9 procurement inventions, including United States Patent No. 7,117,165 ("the '165 patent").

10 9. On information and belief, Coupa was founded in 2006 and offers Coupa e-
11 Procurement software products that directly compete with Ariba's patented products. On
12 information and belief, Coupa e-Procurement software products embody all of the elements of
13 at least one of the inventions claimed in the '165 patent and therefore infringe this patent.

14 10. Coupa's infringement has deprived Ariba of sales of its e-procurement software
15 products and has damaged Ariba's investment in its intellectual property. On information and
16 belief, Coupa has obtained customers by using e-procurement solutions patented by Ariba and
17 thus has exploited Ariba's investment in the research and development of its patented solutions.
18 Coupa's continuing infringement deprives Ariba of its rightful customers and is continuing to
19 damage Ariba and cause it irreparable harm.

20 ARIBA'S FUNDAMENTAL E-PROCUREMENT PATENT

21 11. On October 3, 2006, the United States Patent and Trademark Office duly and
22 legally issued United States Patent No. 7,117,165 ("the '165 patent") entitled "Operating
23 Resource Management System" to Norman Adams, Marc Brown, Brian Carlstrom, Brian Elkin,
24 Paul Hegarty, Guy Haskin, and Boris Putanec.

25 12. Ariba is the owner by valid assignment of all rights, title, and interest in the '165
26 patent. A true and correct copy of the '165 patent is attached hereto as Exhibit A. Ariba has
27 marked its products with the '165 patent.
28

1 **COUNT I**
2 **DIRECT INFRINGEMENT OF UNITED STATES PATENT NO. 7,117,165**

3 13. Plaintiff hereby incorporates the foregoing paragraphs of this Complaint and
4 restates them as if they were fully written herein.

5 14. Upon information and belief, Defendant has and continues to directly infringe at
6 least one claim of the '165 patent, in violation of 35 U.S.C. § 271(a), by making, using, selling,
7 and offering for sale the Coupa e-Procurement software products that embody the patented
8 inventions, to the damage and injury of Ariba.

9 15. As a direct and proximate consequence of Defendant's infringement of the '165
10 patent, Ariba has suffered and will continue to suffer irreparable injury and damages in an
11 amount not yet determined, for which Ariba is entitled to relief.

12 **COUNT II**
13 **CONTRIBUTORY INFRINGEMENT OF UNITED STATES PATENT NO. 7,117,165**

14 16. Plaintiff hereby incorporates the foregoing paragraphs of this Complaint and
15 restates them as if they were fully written herein.

16 17. Upon information and belief, Defendant has and continues to indirectly infringe
17 at least one claim of the '165 patent, in violation of 35 U.S.C. § 271(c), by making, using,
18 selling, and offering for sale the Coupa e-Procurement software products that embody the
19 patented inventions, to the damage and injury of Ariba.

20 18. On information and belief, Coupa sells and offers to sell its e-Procurement
21 software products in the United States. On information and belief, the Coupa e-Procurement
22 software products have no substantial non-infringing uses. On information and belief, use of the
23 Coupa e-Procurement software products by Coupa's customers who engage in a purchase
24 process constitutes direct infringement of one or more claims of the '165 patent. Coupa has
25 knowledge of or should have had knowledge of the '165 patent by virtue of the marking of
26 Ariba's competing e-procurement products.
27
28

1 19. As a direct and proximate consequence of Defendant's indirect infringement of
2 the '165 patent, Ariba has suffered and will continue to suffer irreparable injury and damages in
3 an amount not yet determined, for which Ariba is entitled to relief.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff Ariba prays for relief as follows:

6 A. A judgment that Defendant has directly infringed and/or contributed to the
7 infringement of Ariba's '165 patent;

8 B. A judgment permanently enjoining and restraining Defendant and its
9 subsidiaries, parents, officers, directors, agents, servants, employees, affiliates, attorneys, and all
10 others in active concert with them from directly infringing and/or contributing to the
11 infringement of the '165 patent;

12 C. A judgment awarding Ariba damages, including lost profits, adequate to
13 compensate for Defendant's infringement, and in no event less than a reasonable royalty for
14 Defendant's acts of infringement;

15 D. A judgment awarding damages to Ariba for its costs, disbursements, and
16 attorneys' fees incurred in prosecuting this action, with interest, and otherwise as provided by
17 law;

18 E. A judgment awarding Ariba pre-judgment and post-judgment interest on Ariba's
19 damages as allowed by law; and

20 F. Such other relief as the Court may deem just and equitable.

21 **DEMAND FOR JURY TRIAL**

22 Pursuant to Fed. R. Civ. P. 38(b), Ariba demands a trial by jury.
23
24
25
26
27
28

1 Respectfully submitted this 23rd day of March, 2012.

2
3 COVINGTON & BURLING LLP

4
5 BY Amy K. Van Zant /MDK

6 Robert T. Haslam

7 rhaslam@cov.com

8 Amy K. Van Zant

9 avanzant@cov.com

10 Matthew D. Kellogg

11 mkellogg@cov.com

12 COVINGTON & BURLING LLP

13 333 Twin Dolphin Drive

14 Suite 700

15 Redwood Shores, CA 94065-1418

16 Tel.: (650) 632-4700

17 Fax: (650) 632-4800

18 Attorneys for Plaintiff

19 ARIBA, INC.